Medicaid Policy & the Fair Hearing Process

Presented by:
Kayla Adams, CHO, Texas Health & Human Services Hearings Manager
Linda Snow, CHO, Texas Health & Human Services Quality Control Special Projects Program Manager

Washington, DC - 2017
© 2017 Kayla Adams & Linda Snow
MEDICAID

Medicaid Programs
Medicaid Programs

- 42 CFR § 435 Subpart B lists the mandatory Medicaid coverage areas including:
  - Parents and other caretaker relatives (TANF related)
    - Transitional coverage for those households who:
      - Obtain jobs, or
      - Receive increased child / spousal support.
Medicaid Programs

- 42 CFR § 435 Subpart B lists the mandatory Medicaid coverage areas including:
  - Pregnant women,
    - Includes:
      - Presumptive coverage, and
      - 60-days post-partum coverage.
  - Children under age 19, and
  - Newborns.
Medicaid Programs

- 42 CFR §435 Subpart B lists the mandatory Medicaid coverage areas including:
  - Qualified family members
    - Based on the household’s income less than 133% FPL up to 185% FPL depending on the child’s age.
    - The younger the child the higher the income limit.
    - Can expand to CHIP with increased income limits.
    - If in hospital at time coverage ends, receives continued coverage until released.
Medicaid Programs

- 42 CFR § 435 Subpart B lists the mandatory Medicaid coverage areas including:
  - Individuals age 19 to 64 (parents and caretakers)
    - Based on the household’s income less than 133% FPL.
    - Must have a child under age 19 receiving Medicaid for eligibility.
Medicaid Programs

- 42 CFR §435 Subpart B lists the mandatory Medicaid coverage areas including:
  - Aged, Blind, and Disabled
    - Individuals receiving SSI.
  - Qualified Medicare beneficiaries include:
    - Must be receiving Medicare.
    - Medicare premium cost sharing programs.
Medicaid Programs

- 42 CFR §435 Subpart B lists the mandatory Medicaid coverage areas including:
  - Certain Aliens
    - Treatment for an emergency medical condition.
    - Based on the definition in §440.225(c).
Medicaid Programs

- 42 CFR § 435 Subpart B lists the mandatory Medicaid coverage areas including:
  - Adoption Assistance and Former Foster Care Children
    - Medicaid provided to individuals under age 18 or 26 (depending on the State).
  - Age out of the Medicaid program.
Medicaid Programs

- Texas Medicaid Programs for Aged, Blind, and Disabled
  - Medicaid coverage includes payment for doctors, prescriptions, and hospitals.
  - Medicare Cost Sharing Programs pay for Medicare co-insurance, premiums, and deductibles, or premiums only. (Medicare coverage required)
  - Long-term care Medicaid pays for nursing home and in-home care costs. (Community-based care services)
Medicaid Programs

- **Texas Medicaid Programs**
  - Emergency Medicaid for aliens ineligible for regular Medicaid coverage, but only pays for medical emergencies.
  - Spend-down Medicaid available to applicants with income higher than the established FPIL. After meeting an established deductible, may enroll in Medicaid for up to six months.
Difficult Hearings & Complex Hearing Issues
Difficult Hearings

- Hearing Point at Issue – Women, Children, and Families
  - Citizenship Requirements,
  - Income,
  - Resources,
  - Non-Compliance
Difficult Hearings

- Hearing Point at Issue – Aged, Blind, and Disabled
  - Resources,
  - Medical necessity,
  - Hours of service reduction or denial,
  - Nursing facility discharge,
  - Transfer of resources,
  - Failure to provide information,
Difficult Hearings

- Hearing Point at Issue – Aged, Blind, and Disabled (continued)
  - Nursing facility co-payment amount,
  - Denial of prior coverage, and
  - Medicare cost-sharing programs (QMB, SLMB, and QI-1)
    - Income,
    - Failure to provide information, and
    - Not enrolled in Medicare Part A coverage.
Complex Hearing Issues

- Adaptive aids,
- Therapy (physical, occupational, and speech),
- Durable medical equipment,
- Dental,
- Private duty nursing (PDN) services,
- Level of care
Complex Hearing Issues

- Medications,
- Service denial based on adaptive behavior level (ABL),
- Medically dependent children program (MDCP) medical necessity, and
Complex Hearing Issues

Medical Necessity.
Mock Hearing
Debrief & Questions
Resources

- **Electronic Code of Federal Regulations – Title 42: Public Health**
  [https://www.ecfr.gov/cgi-bin/text-idx?SID=6813c6c8b7f01eff79930f464afbf895&mc=true&tp=ecfrbrowse/Title42/42tab_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=6813c6c8b7f01eff79930f464afbf895&mc=true&tp=ecfrbrowse/Title42/42tab_02.tpl)

- **Texas Works Handbook**
  [https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook](https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook)

- **Medicaid for the Elderly and People with Disabilities Handbook**

- **Texas Health and Human Services Handbooks**
  [https://hhs.texas.gov/laws-regulations/handbooks](https://hhs.texas.gov/laws-regulations/handbooks)